

ENVIRONMENTAL PROTECTION COMMISSION[567]

Notice of Intended Action

Proposing rule making related to management of hazardous materials and waste and providing an opportunity for public comment

The Environmental Protection Commission hereby proposes to amend Chapter 119, “Used Oil and Used Oil Filters”; rescind Chapter 123, “Regional Collection Centers and Mobile Unit Collection and Consolidation Centers,” and adopt a new Chapter 123, “Regional Collection Centers and Satellite Facilities”; rescind Chapter 144, “Household Hazardous Materials”; amend Chapter 211, “Financial Assistance for the Collection of Household Hazardous Materials and Hazardous Waste from Conditionally Exempt Small Quantity Generators”; and rescind Chapter 214, “Household Hazardous Materials Program,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 455B.304(10), 455D.7(1), 455E.9(1) and 455F.5.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapters 455E and 455F.

Purpose and Summary

These proposed amendments are necessary to provide consistency between Chapters 119, 123 and 211 and Iowa Code chapters 455E and 455F. In addition, the proposed amendments will incorporate for consistency the United States Environmental Protection Agency’s (US EPA) recent terminology change to 40 CFR 262.13, which addresses hazardous waste generator categories. Other amendments are proposed to update terminology and to provide clarification regarding regulatory requirements. Specifically, the proposed amendments:

- Amend Chapter 119 to remove references to Chapter 144, which is proposed for rescission herein;
- Rescind and replace Chapter 123 to eliminate the requirement for regional collection centers (RCCs) to obtain sanitary disposal project permits;
- Rescind Chapter 144 pursuant to recent changes to the Iowa Code that were enacted in 2016 Iowa Acts, Senate File 2181;
- Amend Chapter 211 to clarify and expand financial assistance opportunities to regional collection centers (RCCs) for both the collection and proper management of hazardous waste and to establish and expand RCCs and satellite facilities and services provided to citizens and very small quantity generator (VSQG) businesses; and
- Rescind Chapter 214 pursuant to recent changes to the Iowa Code that were enacted in 2016 Iowa Acts, Senate File 2181.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa. A copy of the impact statement is available upon request from the Department of Natural Resources (Department).

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found. A copy of the impact statement is available upon request from the Department.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 561—Chapter 10.

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on June 27, 2018. Comments should be directed to:

Kathleen Hennings
Land Quality Bureau
Department of Natural Resources
Wallace State Office Building
502 East 9th Street
Des Moines, Iowa 50319
Email: kathleen.hennings@dnr.iowa.gov

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held. Upon arrival, attendees should proceed to the fourth floor to check in at the Department reception desk and be directed to the appropriate hearing location.

June 27, 2018
1 to 3 p.m.

Conference Room 4 West
Wallace State Office Building
Des Moines, Iowa

Persons who wish to make oral comments at the public hearing will be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Rescind subrule **119.6(5)**.

ITEM 2. Rescind subrule **119.7(4)**.

ITEM 3. Rescind 567—Chapter 123 and adopt the following **new** chapter in lieu thereof:

CHAPTER 123

REGIONAL COLLECTION CENTERS AND SATELLITE FACILITIES

567—123.1(455F) Purpose. The purpose of this chapter is to implement operating license requirements for regional collection centers and satellite facilities which provide for the collection and proper disposal

of household hazardous materials (HHMs) and hazardous waste from very small quantity generators (VSQGs).

567—123.2(455B,455D,455F) Definitions. For the purposes of this chapter, these terms shall have the following meanings:

“Department” means the Iowa department of natural resources.

“Hazardous waste” or *“HW”* means the same as defined in Iowa Code section 455B.411.

“Hazardous waste contractor” means a private company that provides proper management (e.g., disposal, recycling) of hazardous waste. “Hazardous waste contractor” does not include regional collection centers.

“Household hazardous material” or *“HHM”* means the same as defined in Iowa Code section 455F.1.

“Household hazardous waste” or *“HHW”* means an HHM as defined in Iowa Code section 455F.1 which has served its intended use and is designated for disposal.

“RCC mobile unit” or *“mobile unit”* means a truck or trailer owned and operated under the direction of a regional collection center that can be moved to different sites within a region. A mobile unit is used to perform collection events and to transport collected materials to an RCC for sorting and consolidation.

“Regional collection center” or *“RCC”* means the same as defined in Iowa Code section 455F.1.

“Satellite facility” means the same as defined in Iowa Code section 455F.1.

“Very small quantity generator” or *“VSQG”* means a generator that generates less than or equal to the following amounts in a calendar month:

1. 100 kilograms (220 lbs) of non-acute hazardous waste;
2. 1 kilogram (2.2 lbs) of acute hazardous waste listed in 40 CFR 261.31 or 40 CFR 261.33(e);
3. 100 kilograms (220 lbs) of any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill, into or on any land or water, of any acute hazardous waste listed in 40 CFR 261.31 or 40 CFR 261.33(e).

567—123.3(455F) Regional collection center license and license renewal. A license or license renewal will be issued under the following conditions:

123.3(1) License.

a. An RCC shall not operate without a license issued by the department. RCCs in existence prior to January 14, 2019, will automatically be issued an operating license.

b. A satellite facility shall not be required to obtain a license.

123.3(2) Compliance. An RCC and satellite facility must be in compliance with current local, state and federal statutes and regulations regarding the management, storage, transportation and disposition of HHM, HHW and HW from VSQGs.

123.3(3) Construction. An RCC shall not be constructed without review of the site plan and written approval of the site plan by the department. The approved plans and specifications shall constitute a condition of the initial operating license.

123.3(4) Inspection prior to commencing initial operation. The department shall be notified before an RCC or satellite facility begins operations. No HHM or HW from VSQGs shall be accepted by the RCC or satellite facility until the facility has been inspected and approved by the department.

123.3(5) Duration and renewal of license. The initial license issued may be renewed for a period of five years. If the license applicant is a private agency under contract with a local government, the license shall not extend past the end date of the contract. An entity designated as an environmental management system pursuant to Iowa Code section 455J.7 may opt out of the license renewal requirement provided the entity is in compliance with 123.3(2) and there has been no change in the provisions of the current license. Any change in the provisions of the current license requires department notification as described in 123.3(7).

123.3(6) Request and approval of initial license or license renewal. A new RCC shall file a request for a license on a form provided by the department. An established RCC shall file a request for license renewal 45 calendar days prior to the expiration of the current license, via hard-copy request

or electronically, on a form provided by the department. A renewal shall be issued within 30 business days if the facility is in compliance with Iowa Code chapters 455B, 455D and 455F and the conditions of the current license.

123.3(7) License modification. An RCC shall request to modify its license by notifying the department of changes to any provision of its license via hard-copy or electronic correspondence. An RCC shall notify the department within 30 calendar days of a planned change to the provisions of its license and within 7 calendar days of an unplanned change to the provisions of its license. Upon approval of a request to modify an RCC license, the department will issue a license modification within 14 business days of approving the license modification request.

567—123.4(455F) Site, structure, storage, and staff qualifications. RCCs, satellite facilities and mobile units shall each meet the following criteria.

123.4(1) Siting. A site selected for an RCC, satellite facility or mobile unit shall meet the following criteria:

a. An RCC, satellite facility or mobile unit used for the collection of VSQG waste and HHMs shall be sited on public property or on private property if an agreement exists that guarantees public access. Documentation of the private property agreement for RCCs and satellite facilities shall be provided to the department upon request or upon application and renewal for license.

b. The site shall provide adequate secondary containment in case of a spill or other possible on-site contamination.

c. The site shall meet all applicable zoning requirements.

d. The site shall be adequately sized to accommodate all structures, units and activities that will take place on the site.

e. RCCs and satellite facilities shall each have adequate security to prevent unauthorized access. Adequate security may include, but is not limited to, a fence and locking gate.

f. All mobile units and the containers used to package collected materials shall comply with applicable Iowa department of transportation rules and guidelines. At each mobile unit site, the mobile unit shall rest on a pad of a chemical-resistant, impervious, smooth material that provides secondary containment in case of a spill. A temporary surface created by securing an impervious tarp to the unloading/receiving area will meet the requirements of an impervious surface. A plan for conducting mobile unit collection events must consider the possibility of inclement weather. The plan must ensure that collected HHM and VSQG hazardous waste have protection from the elements and must minimize the risk of environmental contamination.

123.4(2) Structures. RCC or satellite facility structures shall each meet the following criteria:

a. All structures shall be sized to adequately accommodate the collection, sorting, bulking and lab packing, packaging for disposal, and temporary storage of HHM and HW from VSQGs.

b. All permanent structures shall meet the requirements of applicable fire codes and building codes.

c. RCC structures and satellite facility structures shall each be designed to prevent run-on entering from adjacent areas.

d. All receiving areas shall have a storage capacity of at least one day's processing capacity.

e. All receiving, sorting, bulking, transfer and storage area surfaces shall be constructed of a chemical-resistant, impervious, smooth material so designed to be easily cleaned, nonreactive with the waste, and with proper drainage, in the form of sloped flooring, plastic-lined pits or concrete sumps, according to applicable codes. Areas used for the receiving, bulking, transferring, lab packing and storing of HHM, HHW and VSQG hazardous waste shall be provided with secondary containment and shall be protected from exposure to the weather.

123.4(3) Storage. All full containers of HHW and hazardous wastes from VSQGs must be stored in a building designed in accordance with Group H occupancy requirements and local, state and federal fire codes. It is required that HW or HHW accumulated for disposal not be accumulated on site for more than 180 days. Once the capacity limit of a collection site or time limit is reached, all waste collected shall be collected by a licensed hazardous waste contractor.

123.4(4) Staff qualifications. Prior to handling any HHM or HW, RCC and satellite facility staff shall each have received applicable training conducted by trainers who meet Occupational Safety and Health Administration (OSHA) instructor qualification standards. Training shall include but is not limited to the following:

- a. OSHA 24-hour health and safety training as described in 29 CFR 1910.120.
- b. Annual 8-hour refresher training as described in 29 CFR 1910.120.
- c. Hazardous materials chemistry.
- d. Personnel and site safety.
- e. Proper lab packing techniques.
- f. Proper transporting of hazardous materials.
- g. When applicable, U.S. Department of Transportation hazardous materials training for the operation of a mobile unit used in the collection and transportation of HHM and HW from VSQGs.

567—123.5(455F) Operations plans and procedures.

123.5(1) RCCs and satellite facilities must each prepare and maintain on site a current plan of operations.

123.5(2) Operations plan. The operations plan shall include, at a minimum, the following information:

- a. Schedule of operations, including hours of operation for RCCs or satellite facilities.
- b. Site selection procedures for mobile unit collections.
- c. Standard receiving procedures for HHM and VSQG HW.
- d. Procedures for managing unknown materials.
- e. Procedures for handling open or leaking containers.
- f. Procedures for managing large quantities of wastes.
- g. Recycling and reuse procedures for usable materials.
- h. Disposal of nonhazardous waste.
- i. Personal protection equipment (PPE).
- j. Initial training requirements and continuing education of staff.
- k. An emergency response plan, such as the facility's response to spills, fires or weather-related events.

567—123.6(455F) Closure notification. RCCs and satellite facilities shall each notify the department via hard-copy or electronic correspondence at least 60 calendar days prior to ceasing operations.

123.6(1) The notification shall include, at a minimum, the following information:

- a. A description of how the RCC or satellite facility will notify the public within its service area that the RCC or satellite facility is closing and how HHM and HW from VSQGs should be managed after closure of the facility.
- b. A description of how all HHM, HHW and HW from VSQGs will be removed from the RCC or satellite facility and properly managed within 60 calendar days of the RCC's or satellite facility's ceasing operations.
- c. A description of how final waste disposal costs will be paid.

123.6(2) After removal of HHW and VSQG HW, a final inspection shall be conducted by department staff.

567—123.7(455F) Regional collection center reporting requirements. On a form supplied by the department, each RCC shall submit to the department a correctly completed RCC semiannual report. The report shall include, but not be limited to, the pounds of materials managed through a reuse program, by hazardous waste contractors, and by nonhazardous waste contractors. All hazardous waste contractor invoices shall be attached. Such invoices shall depict hazardous material types, net weight of hazardous materials, and associated collection and disposal costs charged by the hazardous waste contractor to the RCC. RCC semiannual reports shall be submitted by September 15 for the portion of the current calendar

year January 1 through June 30, and by March 15 for the portion of the previous calendar year July 1 through December 31.

These rules are intended to implement Iowa Code chapter 455F.

ITEM 4. Rescind and reserve **567—Chapter 144**.

ITEM 5. Amend **567—Chapter 211** as follows:

CHAPTER 211

FINANCIAL ASSISTANCE FOR THE ~~COLLECTION~~ MANAGEMENT OF HOUSEHOLD HAZARDOUS MATERIALS AND HAZARDOUS WASTE FROM ~~CONDITIONALLY EXEMPT~~ VERY SMALL QUANTITY GENERATORS

567—211.1(455E,455F) Purpose. The purpose of this program is to reduce the amount of hazardous materials disposed of in Iowa's sanitary landfills, thereby protecting groundwater resources, the health and safety of Iowa citizens, and the environment.

The costs and accessibility of hazardous materials management can be improved by the establishment and maintenance of a system of regional collection centers (RCCs) and satellite facilities for the safe and proper disposal management of household hazardous materials and hazardous materials from ~~conditionally exempt~~ very small quantity generators (~~CESQGs~~) (VSQGs). Therefore, the department may provide financial assistance for costs associated with establishing or improving RCCs and satellite facilities, when such funding is available. The department may also provide financial assistance for ongoing collection and disposal costs for RCCs and MUCCCs whether public agencies or activities which result in eligible private agencies operate them pounds, when such funding is available.

567—211.2(455E,455F) Definitions. The definitions set out in Iowa Code section 455B.301 shall be considered to be incorporated verbatim in these rules. For the purposes of this chapter, these terms shall have the following meanings:

"Applicant for ~~an~~ RCC establishment grant RCC or satellite facility financial assistance" means a an RCC or satellite facility operated by a private agency, local government or a public agency representing local governments pursuant to Iowa Code chapter 28E.

"~~Conditionally exempt small quantity generator~~" or "CESQG" means a generator that in a calendar month generates no more than 100 kilograms of hazardous waste in that month and is further defined by 40 CFR 261.5.

"Department" means the Iowa department of natural resources.

"Eligible private agency" means a privately owned landfill, transfer station or citizen convenience center which acts as an RCC or MUCCC as part of an approved comprehensive plan pursuant to Iowa Code section 455B.306. The facility must either include hazardous waste collection activities in its SDP permit or have an RCC or MUCCC permit in accordance with the requirements of 567—Chapter 123.

"Eligible pounds" means household hazardous waste or hazardous waste from VSQGs which is disposed of or recycled by a licensed hazardous waste contractor. VSQG hazardous waste for which an RCC is required to charge a fee under Iowa Code section 455F.8A is considered eligible pounds if there is a corresponding disposal charge from a hazardous waste contractor. Eligible pounds means net weight as shown on the final disposition documents. A manifest shows an estimated weight and cannot be used to determine eligible pounds. VSQG hazardous waste or household hazardous waste which has no disposal cost, or for which RCCs receive compensation or charge a fee, is not eligible pounds. Materials such as cathode ray tubes, electronics, and used oil which are not destined for final disposal, but are instead recycled for reuse of components, are not eligible pounds.

"Financial assistance" means monetary assistance including grants, cash payments, or support by other financial means.

"~~Hazardous materials disposal costs~~" means costs incurred from a hazardous waste contractor for disposal of household hazardous materials and hazardous waste from ~~conditionally exempt~~ small quantity generators. Costs may include, but are not limited to, transportation to the hazardous

~~waste contractor, incineration, fuel blending, hazardous waste landfilling, and waste profile testing. “Hazardous materials disposal costs” does not include transportation from a satellite to a main RCC facility, staff time, equipment, overhead costs, or costs to dispose of waste that is not HHM or a hazardous material.~~

“Hazardous waste” or “HW” means the same as defined in Iowa Code section 455B.411.

“Hazardous waste contractor” means a private company that provides management (e.g., recycling, disposal) of household hazardous waste or VSQG hazardous waste in compliance with federal regulations. “Hazardous waste contractor” does not include regional collection centers.

“Household hazardous materials” or “HHM” means the same as defined in Iowa Code subsection 455F.1(4) section 455F.1.

“Household hazardous waste” or “HHW” means an HHM as defined in Iowa Code section 455F.1 which has served its intended use and is designated for disposal.

“Indirect costs” means costs that are not identifiable with a specific product, function or activity.

~~“Mobile unit collection and consolidation center” or “MCCCC” means a government agency or private agency under contract with a government agency as part of a solid waste comprehensive plan that provides HHM collection events at temporary sites. Collection events are held a minimum of 16 hours per month in each county served by the MCCCC. MCCCCs do not provide public access to a fixed facility. Materials collected are consolidated and stored for removal by a hazardous waste contractor. MCCCCs do not include RCCs that utilize a mobile collection unit along with access to a permanent facility.~~

“Overhead costs” means expenses not chargeable to a particular part of the work or product including, but not limited to, utilities and insurance.

“RCC mobile unit” means a truck or trailer belonging to owned and operated under the direction of a regional collection center that can be moved to different sites within a region. A mobile unit is used to perform collection events and to transport collected materials to the fixed RCC for sorting and consolidation.

~~“Regional collection center” or “RCC” means a secured facility at which collection, sorting, and packaging of household hazardous materials and hazardous materials from CESQGs are accomplished prior to transportation of these wastes to the final disposal site. RCCs have regular hours during which the public may drop off hazardous materials. An RCC may be a government agency or a private agency under contract with a government agency as part of a solid waste comprehensive plan. RCCs are referred to as temporary collection sites in Iowa Code subsection 455F.8A(1) the same as defined in Iowa Code section 455F.1.~~

~~“Satellite facility” means a secured facility at which collection and storage of household hazardous materials and hazardous materials from CESQGs are accomplished prior to transportation of these wastes to an RCC. A satellite facility has a written contract with an RCC for the removal of collected waste. A satellite facility may be operated by a government agency or a private agency under contract with a government agency as part of a solid waste comprehensive plan. A satellite facility is available for public drop off of hazardous materials either during regularly scheduled hours or by appointment the same as defined in Iowa Code section 455F.1.~~

~~“Staffing costs” means salaries and benefits related to payment of personnel.~~

“Very small quantity generator” or “VSQG” means a generator that generates less than or equal to the following amounts in a calendar month:

1. 100 kilograms (220 lbs) of non-acute hazardous waste;
2. 1 kilogram (2.2 lbs) of acute hazardous waste listed in 40 CFR 261.31 or 40 CFR 261.33(e);
3. 100 kilograms (220 lbs) of any residue or contaminated soil, water or other debris resulting from the cleanup of a spill, into or on any land or water, of any acute hazardous waste listed in 40 CFR 261.31 or 40 CFR 261.33(e).

567—211.3(455E,455F) Role of the department. The department is responsible for the administration of funds for projects financial assistance sponsored under this chapter. The department shall ensure that funds disbursed meet guidelines established by the groundwater protection Act (in Iowa Code chapter

chapters 455E) and Iowa Code section 455B.484 and 455F. An applicant for an RCC establishment grant financial assistance under this chapter may submit any eligible project as defined in the application provided by the department. The department shall determine which projects, if any, will receive funding after review of all applications, subject to available funding.

567—211.4(455E,455F) Funding sources. The department will use funds appropriated by Iowa Code section sections 455E.11(2)“a”(2)(d) and 455E.11(2)“c” to achieve the purpose of this chapter. The department shall ensure that moneys appropriated meet both federal and state guidelines pertaining to the use of the moneys.

567—211.5(455E,455F) Eligible costs. An applicant for an RCC establishment grant Applicants may request monetary financial assistance for the purpose of project development and implementation that includes funds for the following expense categories: eligible expenses including, but not limited to, the following:

1. ~~Materials and labor for construction, and the purchase cost of structures or mobile units, or both, to be used as an RCC or satellite facility, including but not limited to site excavation for the structure and modifications to control runoff.~~

2. ~~A one-year education program for households and CESQGs within the RCC service area. Eligible education expenses may include but are not limited to:~~

• ~~Supplies, including paper and postage.~~

• ~~The purchase of books, resource materials, slide shows, video materials, and other media for education of the local population or donation to local libraries or schools.~~

• ~~Fees for public service announcements.~~

3. ~~Equipment relating directly to the RCC or satellite operation.~~

4. ~~First year staffing costs.~~

5. ~~Site and building design fees.~~

211.5(1) Materials and labor for construction and the purchase cost of structures or RCC mobile units to be used in the operation of an RCC or satellite facility, including but not limited to site excavation for the structure and modifications to control runoff.

211.5(2) Education programs for households and VSQGs within the RCC service area. Eligible education expenses may include but are not limited to:

a. Public education and awareness materials and supplies.

b. Fees for public service announcements.

211.5(3) Equipment relating directly to the RCC or satellite facility operation.

567—211.6(455E,455F) Ineligible costs. Applicants for RCC establishment grants financial assistance cannot request monetary assistance for the following costs:

1. Taxes.

2. Vehicle registration.

3. Indirect or overhead costs.

4. Legal costs.

5. Contingency funds.

6. Land acquisition.

7. Disposal of hazardous materials.

8. Office equipment.

9. Staffing costs.

10. Site and building design fees.

567—211.7(455E,455F) Criteria for the selection of an RCC establishment grant RCC and satellite facility financial assistance.

211.7(1) An applicant for an RCC establishment grant and satellite financial assistance shall submit to the department a completed application and a comment on a form provided by the department.

The comment form shall be completed by the agency responsible for the submission of a solid waste comprehensive plan for the area in which the RCC or satellite facility will be established.

211.7(2) The department shall coordinate the evaluation of proposals, ~~and applicants.~~ Applications will be ~~awarded financial assistance~~ evaluated based on selection criteria contained in the application form. Prior to receiving financial assistance from the department, ~~applicants an RCC must either obtain a regional collection center permit, amend the SDP permit of the host license. A satellite facility to include regional collection center activities, or shall~~ provide documentation of a contractual arrangement with a permitted licensed RCC for removal of the waste to be collected.

211.7(3) ~~Applicants shall submit a completed application on a form provided by the department and three photocopies, and shall address criteria in the order presented in the application and guidelines. An application that fails to address all of the criteria may not receive further consideration. The applicant must be in compliance with applicable federal and state statutes and regulations.~~

567—211.8(455E,455F) Grant denial. An application may be denied for the following reasons, including but not limited to:

1. The applicant does not meet eligibility requirements pursuant to the provisions of this chapter.
2. The applicant does not provide sufficient information requested in the application proposal pursuant to this chapter.
3. The project goals or scope is not consistent with this chapter.
4. Funds are insufficient to award financial assistance to all qualified applicants.
5. The applicant has not met contractual obligations of previous grant awards.
6. The department received the application after the deadline stated in the application and guidelines.
7. The applicant is found to be out of compliance with applicable federal or state statutes or regulations.

567—211.9(455E,455F) RCC collection and MUECC ~~household hazardous material disposal support funding.~~

211.9(1) ~~All RCCs and MUECCs, whether they are operated by a public agency or an eligible private agency, may receive to receive funding support, when available, from the department to offset the cost associated with proper disposal of properly manage eligible pounds of VSQG hazardous waste and household hazardous waste. To receive funding, an RCC must be in compliance with applicable federal and state statutes and regulations.~~ The source for this funding is described in Iowa Code section 455E.11(2)“a”(2)(d) and (e).

211.9(2) To be eligible to receive support and disposal-funding assistance, an RCC ~~or MUECC~~ must:

- a. Have household hazardous materials waste and VSQG hazardous waste removed by a licensed hazardous waste contractor.

- b. ~~Complete~~ Correctly complete the hazardous materials collection semiannual report on a form supplied by the department.

- c. ~~Attach the hazardous waste contractor invoices depicting hazardous material types, net weight of hazardous materials, and associated management fees charged by the hazardous waste contractor.~~ following documentation:

- (1) Hazardous waste contractor invoices depicting cost and hazardous waste types.
- (2) The net weight calculations of household hazardous waste and VSQG hazardous waste obtained by subtracting container weight from final disposal weight, not the manifest weight.
- (3) Documentation that all household hazardous waste and VSQG hazardous waste was disposed of by a licensed hazardous waste contractor.

- (4) Documentation of materials shipped using final disposal receipts.
- d. Submit regional collection center semiannual reports by September 15 for the portion of the fiscal current calendar year January 1 through June 30, and by March 15 for the portion of the fiscal previous calendar year July 1 through December 31. Reports submitted after the due date without prior approval by the department are not eligible for reimbursement funding.

211.9(3) ~~The fall payments~~ Fall collection and disposal funding will be based on the regional collection center semiannual report due September 15 and on available funding. An RCC ~~or MUCCC~~ will receive a percentage of the available funding in an amount proportional to the amount of ~~HHM eligible pounds the RCC or MUCCC recycled or disposed of through a hazardous waste contractor, as reported on the hazardous materials regional collection center semiannual report form, compared to the total amount of HHM eligible pounds recycled or disposed of by all RCCs and MUCCCs. The fall payment shall not exceed total disposal costs for the reporting period as reported on the regional collection center semiannual report form.~~

~~The spring payments~~ Spring collection and disposal funding will be based on the total eligible pounds reported for the calendar year and on available funding. An RCC ~~or MUCCC~~ will receive a percentage of the available funding for the calendar year minus the amount received for the fall payment, in an amount proportional to the amount of ~~HHM eligible pounds the RCC or MUCCC recycled or disposed of through a hazardous waste contractor, as reported on the hazardous materials regional collection center semiannual report form for the calendar year, compared to the total amount of HHM eligible pounds recycled or disposed of by all RCCs and MUCCCs. The spring and fall payments combined shall not exceed an RCC's or MUCCC's total disposal costs for the calendar year as reported on the regional collection center semiannual report form.~~

These rules are intended to implement Iowa Code ~~Supplement section~~ sections 455F.8A and Iowa Code section 455F.8B.

ITEM 6. Rescind and reserve **567—Chapter 214.**